United Nations A/C.5/59/L.36

General Assembly

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31 March 2005

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Fifty-ninth session
Fifth Committee
Agenda item 108
Programme budget for the biennium 2004-2005

Draft resolution submitted by the Chairman following informal consultations

Special subjects relating to the programme budget for the biennium 2004-2005

A
Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council

The General Assembly,

Having considered the report of the Secretary-General on the estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Takes note* of the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions;[2]

2. *Endorses* the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report;

3. *Requests* the Secretary-General to consider ways and means of presenting the budgets of large missions in a manner that is more suitable for their size and complexity;

4. *Reiterates* that the charging of expenditures against the appropriation for special political missions is subject to the extension of the respective mandates;

5. *Notes* that an additional amount of 82,472,600 United States dollars is requested for the United Nations Assistance Mission for Iraq for the period from 1 May to 31 December 2005 and an additional amount of 701,800 dollars is

[1] A/59/534/Add.3 and Corr.1.
[2] A/59/569/Add.3.

requested for the United Nations Observer Mission in Bougainville for the period from 16 February to 15 August 2005, including the liquidation period;

6. *Approves* the budgets of the United Nations Assistance Mission for Iraq and the United Nations Observer Mission in Bougainville as set out in table 1 of the report of the Secretary-General;

7. *Decides* to appropriate, in accordance with the procedures set out in paragraph 11 of annex I to its resolution 41/213 of 19 December 1986, under section 3, Political affairs, of the programme budget for the biennium 2004-2005 an amount of 83,174,400 dollars for the United Nations Assistance Mission for Iraq and the United Nations Observer Mission in Bougainville;

8. *Also decides* to appropriate an amount of 4,131,200 dollars under section 34, Staff assessment, to be offset by a corresponding amount under income section 1, Income from staff assessment, of the programme budget for the biennium 2004-2005.

B

Information and communication technology strategy

The General Assembly,

Recalling its resolutions 57/295 of 20 December 2002, 58/270 of 23 December 2003, 59/126 B of 10 December 2004 and 59/265 of 23 December 2004,

Having considered the report of the Secretary-General on the information and communication technology strategy[3] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Acknowledging that investment in information and communication technology is not an end in itself and should be aimed at improving the quality and timely delivery of mandates in a cost-effective manner,

1. *Takes note* of the progress report of the Secretary-General in implementing the information and communication technology strategy[3] and the related report of the Advisory Committee on Administrative and Budgetary Questions;[4]

2. *Requests* the Secretary-General to develop and implement cost-neutral measures to provide Member States with secure access to the information currently accessible only on the Intranet ("iSeek") of the United Nations Secretariat in the working languages of the United Nations;

3. *Takes note* of the ongoing efforts in the field of disaster recovery and security threats in the new Department of Safety and Security as well as in the Information Technology Services Division of the Office of Central Support Services, and encourages all decision takers involved to elaborate a comprehensive approach in this matter;

4. *Requests* a more detailed analysis of the return on investment and the impact of such investment on the quality and timelines of service delivery and of the resource requirements resulting from information and communication technology

[3] A/59/265.

[4] A/59/558, paras. 2-18.

projects, as described in the annex to the report of the Secretary-General,[3] in the context of the proposed programme budget for the biennium 2006-2007 and future budgets;

5. *Takes note* of the ongoing efforts for the elaboration of a comprehensive information and communication technology strategy, and reiterates the need for further integration and compatibility of administrative platforms of the inter-agency network and, in this regard, invites the United Nations Chief Executives Board for Coordination to pay due attention to the issue;

6. *Recognizes* that technological infrastructures and supportive applications in the United Nations are based on Latin script, which leads to difficulties in processing non-Latin and bidirectional scripts, and requests the Secretary-General to continue his efforts to ensure that technological infrastructures and supportive applications in the United Nations fully support Latin, non-Latin and bidirectional scripts so as to enhance the equality of the official languages of the United Nations;

7. *Takes note* that some projects listed in the annex to the report of the Secretary-General are on hold, and requests the Secretary-General to ensure their implementation, as feasible;

8. *Recalls* paragraphs 9 and 10 of section II of its resolution 59/266 of 23 December 2004, takes note of paragraph 5 of the report of Advisory Committee on Administrative and Budgetary Questions, and requests the Secretary-General to report on measures to improve the Galaxy tool;

9. *Notes with appreciation* that public wireless Internet (Wi-Fi) hot spots have been made available in the Secretariat Building, and notes the intention of the Secretary-General to extend wireless coverage to the entire United Nations compound.

C

Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice, judges of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda and ad litem judges of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda

The General Assembly,

Recalling section VIII of its resolution 53/214 of 18 December 1998, its resolution 56/285 of 27 June 2002 and its resolution 57/289 of 20 December 2002,

Recalling further Article 32 of the Statute of the International Court of Justice, as well as relevant General Assembly resolutions that govern the conditions of service and compensation for the members of the International Court of Justice, judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,

Having considered the report of the Secretary-General[5] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[6]

1. *Endorses* the recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report,[6] subject to the provisions of the present resolution;

2. *Reaffirms* the principle that conditions of service and compensation for non-Secretariat United Nations officials shall be separate and distinct from those of officials in the United Nations Secretariat;

3. *Requests* the Secretary-General, in future reports on the conditions of service of the members of the Court and the judges of the Tribunals, to present clearly information on annual salaries payable in both United States dollars and the applicable local currency, with full information on the actual dollar requirements for the budget concerned;

4. *Decides* to increase the annual salary of the members of the Court and the judges of the Tribunals by 6.3 per cent effective 1 January 2005, as an interim measure and pending a decision based on the report requested in paragraph 8 below;

5. *Also decides* that the annual value of all pensions in payment as from 1 January 2005 shall be increased by 6.3 per cent as an interim measure and pending a decision based on the report requested in paragraph 8 below;

6. *Further decides* that, in addition to the provisions of paragraph 2 of part C of resolution 40/257 of 18 December 1985, with effect from 1 January 2005 those members of the Court who have taken up and maintained a bona fide primary residence at The Hague for less than five continuous years during their service with the Court shall be eligible, upon the completion of their appointment and resettlement outside the Netherlands, to receive a lump sum prorated on the basis of the ceiling of eighteen weeks' annual net base salary that is payable to members of the Court who have served for five continuous years, and also decides that those members of the Court who have similarly taken up and maintained a bona fide primary residence in The Hague for more than five years but for less than nine years shall be eligible upon the completion of their appointment and resettlement outside the Netherlands for a lump sum prorated on the basis of the ceiling of twenty-four weeks' annual net base salary that is payable to members of the Court who have served nine continuous years or more;

7. *Requests* the Secretary-General to report to the General Assembly on the additional expenditures relating to the above decisions in the context of the second performance report on the programme budget for the biennium 2004-2005 and the second performance reports on the budgets of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda for the biennium 2004-2005;

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[5] A/C.5/59/2 and Corr.1.

[6] A/59/557.

8. *Also requests* the Secretary-General to submit a comprehensive report to the General Assembly at its sixty-first session, including proposals for a mechanism of remuneration based on market exchange rates and local retail price fluctuations that limits the divergence of such remuneration from that of comparable positions of seniority within the United Nations system, on the protection of pensions in payment to former judges and their survivors as well as on the differences between the pension benefits of the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda on the one hand and the members of the International Court of Justice on the other;

9. *Decides* that the conditions of service and compensation for the members of the International Court of Justice, the judges of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda and the ad litem judges of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda shall next be reviewed at its sixty-first session.

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Fifty-ninth session
Fifth Committee
Agenda item 133
Financing of the United Nations Interim Administration Mission in Kosovo

Draft resolution submitted by the Chairman following informal consultations

Financing of the United Nations Interim Administration Mission in Kosovo

The General Assembly,

Having considered the note by the Secretary-General on the financing arrangements for the United Nations Interim Administration Mission in Kosovo for the period from 1 July 2004 to 30 June 2005[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling Security Council resolution 1244 (1999) of 10 June 1999 regarding the establishment of the United Nations Interim Administration Mission in Kosovo,

Recalling also its resolution 53/241 of 28 July 1999 on the financing of the Mission and its subsequent resolutions thereon, the latest of which was resolution 58/305 of 18 June 2004,

Acknowledging the complexity of the Mission,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874 (S-IV) of 27 June 1963, 3101 (XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolution of the Security Council,

1. *Takes note* of the status of contributions to the United Nations Interim Administration Mission in Kosovo as at 28 February 2005, including the contributions outstanding in the amount of 132.4 million United States dollars, representing some 7 per cent of the total assessed contributions, notes with concern

[1] A/59/692.
[2] A/59/728.

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that only sixty-eight Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full;

3. *Expresses concern* at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

4. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

5. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

6. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

7. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Mission;

8. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] and requests the Secretary-General to ensure their full implementation;

9. *Requests* the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

10. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Mission against General Service posts, commensurate with the requirements of the Mission;

Revised budget estimates for the period from 1 July 2004 to 30 June 2005

11. *Decides* to appropriate to the Special Account for the United Nations Interim Administration Mission in Kosovo the additional amount of 30 million dollars for the maintenance of the Mission for the period from 1 July 2004 to 30 June 2005, taking into account the total amount of 278,413,700 dollars already appropriated for the Mission for the same period under the provisions of General Assembly resolution 58/305;

Financing of the appropriation

12. *Decides also* to apportion among Member States the amount of 30 million dollars, taking into account the amount of 278,413,700 dollars already apportioned by the General Assembly for the period from 1 July 2004 to 30 June 2005 in its resolution 58/305, in accordance with the levels set out in General

Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2003, the scale of assessments for 2004 to be applied against a portion thereof, that is, 15 million dollars, which is the amount pertaining to the period ended 31 December 2004, and the scale of assessments for the year 2005 to be applied against the balance, that is, 15 million dollars for the period from 1 January to 30 June 2005, as set out in its resolution 58/1 B of 23 December 2003;

13. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of the additional amount of 3,850,800 dollars, approved for the Mission for the period from 1 July 2004 to 30 June 2005;

14. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

15. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Mission;

16. *Invites* voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

17. *Decides* to keep under review during its fifty-ninth session the item entitled "Financing of the United Nations Interim Administration Mission in Kosovo".

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General Assembly

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Fifty-ninth session
Fifth Committee
Agenda item 108
Programme budget for the biennium 2004-2005

Draft decisions submitted by the Chairman following informal consultations

A
United Nations Fund for International Partnerships

The General Assembly takes note of the report of the Secretary-General on the United Nations Fund for International Partnerships.[1]

B
Construction of additional office facilities at the Economic Commission for Africa in Addis Ababa

The General Assembly:

(a) Takes note with appreciation the efforts by the Government of Ethiopia to facilitate the construction project;

(b) Also takes note of the report of the Secretary-General on the construction of additional office facilities at the Economic Commission for Africa in Addis Ababa[2] and endorses the recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions.[3]

C
Review of the structure and functions of all liaison offices or representation in New York of organizations headquartered elsewhere funded from the regular budget

The General Assembly takes note of the report of the Secretary-General on the review of the structure and functions of all liaison offices or representation in New York of organizations headquartered elsewhere funded from the regular budget[4] and

[1] A/59/170.
[2] A/59/444.
[3] A/59/572.
[4] A/59/395.

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the related report of the Advisory Committee on Administrative and Budgetary Questions.[5]

D

Report of the Office of Internal Oversight Services on the review of the operations and management of United Nations libraries

The General Assembly decides to defer to its sixtieth session consideration of the report of the Office of Internal Oversight Services on the review of the operations and management of United Nations libraries.[6]

E

Review of the regular programme of technical cooperation and the Development Account

The General Assembly decides to consider, as a matter of priority at the earliest possible period, but not later than the main part of its sixtieth session, the report of the Secretary-General on the review of the regular programme of technical cooperation and the Development Account.[7]

F

Standards of accommodation for air travel

The General Assembly, having considered the report of the Secretary-General on standards of accommodation for air travel[8] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[9] takes note of the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions.

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[5] A/59/552.
[6] A/59/373.
[7] A/59/397.
[8] A/59/523.
[9] A/59/573.

United Nations A/C.5/59/L.39

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Fifty-ninth session
Fifth Committee
Agenda item 126
Financing of the United Nations Peacekeeping Force in Cyprus

Draft resolution submitted by the Chairman following informal consultations

Financing of the United Nations Peacekeeping Force in Cyprus

The General Assembly,

Having considered the note by the Secretary-General on the financing arrangements for the United Nations Peacekeeping Force in Cyprus[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling Security Council resolution 186 (1964) of 4 March 1964, regarding the establishment of the United Nations Peacekeeping Force in Cyprus, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1568 (2004) of 22 October 2004,

Recalling also its resolution 47/236 of 14 September 1993 on the financing of the Force for the period beginning 16 June 1993 and its subsequent resolutions and decisions thereon, the latest of which was resolution 58/301 of 18 June 2004,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations as stated in General Assembly resolutions 1874 (S-IV) of 27 June 1963, 3101 (XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Noting with appreciation that voluntary contributions have been made to the Force by certain Governments,

Noting that voluntary contributions were insufficient to cover all the costs of the Force, including those incurred by troop-contributing Governments prior to 16 June 1993, and regretting the absence of an adequate response to appeals for voluntary contributions, including that contained in the letter dated 17 May 1994 from the Secretary-General to all Member States,[3]

[1] A/59/718.
[2] A/59/734.
[3] S/1994/647.

05-28167 (E) 280305

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Takes note* of the note by the Secretary-General on the financing arrangements for the United Nations Peacekeeping Force in Cyprus[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions;[2]

2. *Takes note* of the status of contributions to the United Nations Peacekeeping Force in Cyprus as at 28 February 2005, including the contributions outstanding in the amount of 24.1 million United States dollars, representing some 10 per cent of the total assessed contributions, notes with concern that only forty-one Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

3. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full;

4. *Expresses concern* at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

5. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

6. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

7. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

8. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Force;

9. *Endorses* the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions,[2] and requests the Secretary-General to ensure their full implementation;

10. *Requests* the Secretary-General to expedite negotiations with the host Government on issues surrounding the relocation of military contingent personnel as well as other personnel of the United Nations Peacekeeping Force in Cyprus, in accordance with the provisions of the March 1964 Agreement between the United Nations and the Government of Cyprus;

11. *Also requests* the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

12. *Further requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the

Force against General Service posts, commensurate with the requirements of the Force;

13. *Decides* to continue to maintain as separate the account established for the Force for the period prior to 16 June 1993, invites Member States to make voluntary contributions to that account, and requests the Secretary-General to continue his efforts in appealing for voluntary contributions to the account;

14. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

15. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Force;

16. *Invites* voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

17. *Decides* to keep under review during its fifty-ninth session the item entitled "Financing of the United Nations Peacekeeping Force in Cyprus".

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Fifth Committee
Agenda item 107
Review of the efficiency of the administrative and financial functioning of the United Nations

Draft resolution submitted by the Rapporteur following informal consultations

Report of the Office of Internal Oversight Services on strengthening the investigation functions in the United Nations

The General Assembly,

Recalling its resolutions 48/218 B of 29 July 1994, 54/244 of 23 December 1999 and 59/272 of 23 December 2004, establishing the Office of Internal Oversight Services and its operational independence,

Recalling also its resolutions 57/282 of 20 December 2002 and 58/268 of 23 December 2003,

Having considered the report of the Office of Internal Oversight Services on strengthening the investigation functions in the United Nations,[1]

Noting that independent investigation is in the best interests of the Organization,

Noting also that violations of the United Nations Financial and Staff Rules and Regulations and administrative instructions are considered misconduct and call for disciplinary action,

1. *Takes note* of the report of the Office of Internal Oversight Services on strengthening the investigation functions in the United Nations;[1]

2. *Re-emphasizes* the principle of separation, impartiality and fairness on the part of those with responsibility for investigation functions;

3. *Re-emphasizes also* that the Office of Internal Oversight Services is the internal body entrusted with investigation in the United Nations;

4. *Notes* the need to enhance the capacity of the Office of Internal Oversight Services to conduct its mandated investigation functions efficiently;

[1] See A/58/708.

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5. *Recognizes* that the Office of Internal Oversight Services has established an efficient mechanism to enable all staff members and other persons engaged in activities under the authority of the Organization to convey directly their allegations to the Office of Internal Oversight Services;

6. *Stresses* that sexual exploitation and abuse constitute serious misconduct and fall under category I;[2]

7. *Notes* that sexual harassment constitutes a serious concern to Member States, and, bearing in mind paragraph 12 of the present resolution, notes that the Office of Human Resources Management and programme managers may be entrusted to conduct investigations in this context;

8. *Decides* that the Office of Internal Oversight Services may entrust trained programme managers to conduct investigations on its behalf;

9. *Also decides* that in cases of serious misconduct and/or criminal behaviour, investigations should be conducted by professional investigators;

10. *Requests* the Secretary-General to implement the proposals of the Office of Internal Oversight Services to increase basic investigation training, as appropriate, for the handling of minor forms of misconduct, to develop written procedures for the proper conduct of investigations and to promote the concept of an independent investigation function within the United Nations;

11. *Decides* that the results of investigation conducted by programme managers should be reported to the Office of Internal Oversight Services;

12. *Requests* the Secretary-General to establish an administrative mechanism for the mandatory reporting by programme managers of allegations of misconduct to the Office of Internal Oversight Services and to report on the establishment of such a mechanism to the General Assembly at the resumed part of its sixtieth session;

13. *Also requests* the Secretary-General to ensure that the introduction of a mandatory reporting mechanism will not adversely affect the right of an individual staff member to report cases of allegations of misconduct directly to the Office of Internal Oversight Services;

14. *Further requests* the Secretary-General to ensure that where poor management practice is a contributory factor in cases of misconduct, appropriate managerial action is taken by the Office of Human Resources Management;

15. *Requests* the Secretary-General to ensure that an appropriate mechanism is in place to protect staff members who report misconduct within the Secretariat against retaliation;

16. *Also requests* the Secretary-General to ensure that, in case of proven misconduct and/or criminal behaviour, disciplinary action and, where appropriate, legal action in accordance with the established procedures and regulations will be taken expeditiously, and requests the Secretary-General to ensure that Member States are informed on an annual basis about all actions taken;

17. *Further requests* the Secretary-General to ensure that all staff of the Organization are informed of the most common examples of misconduct and/or

[2] See A/58/708, para. 26.

criminal behaviour and their disciplinary consequences, including any legal action, with due regard to the protection of the privacy of the staff member(s) concerned;

18. *Requests* the Secretary-General to ensure that when conclusions of the Office of Internal Oversight Services are disputed by a programme manager, appropriate action will be taken to resolve the dispute and that information thereon will be included in the annual report of the Office of Internal Oversight Services.

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Fifth Committee
Agenda item 127
Financing of the United Nations Organization Mission in the Democratic Republic of the Congo

Draft resolution submitted by the Chairman following informal consultations

Financing of the United Nations Organization Mission in the Democratic Republic of the Congo

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Organization Mission in the Democratic Republic of the Congo[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling Security Council resolutions 1258 (1999) of 6 August 1999 and 1279 (1999) of 30 November 1999 regarding, respectively, the deployment to the Congo region of military liaison personnel and the establishment of the United Nations Organization Mission in the Democratic Republic of the Congo, and the subsequent resolutions by which the Council extended the mandate of the Mission, the latest of which was resolution 1565 (2004) of 1 October 2004, by which the Council authorized an increase in the Mission's strength by 5,900 personnel, including up to 341 civilian police,

Recalling also its resolution 54/260 A of 7 April 2000 on the financing of the Mission and its subsequent resolutions thereon, the latest of which was resolution 58/259 B of 18 June 2004,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874 (S-IV) of 27 June 1963, 3101 (XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Noting with appreciation that voluntary contributions have been made to the Mission,

[1] A/59/707.
[2] A/59/735.

05-28980 (E) 310305

Mindful of the fact that it is essential to provide the Mission with the financial resources necessary to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Takes note* of the status of contributions to the United Nations Organization Mission in the Democratic Republic of the Congo as at 15 March 2005, including the contributions outstanding in the amount of 309.4 million United States dollars, representing some 13 per cent of the total assessed contributions, notes with concern that only forty-five Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full;

3. *Expresses concern* at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

4. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

5. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

6. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

7. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Mission;

8. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions[2] and requests the Secretary-General to ensure their full implementation;

9. *Requests* the Secretary-General to include in the proposed budget for the period from 1 July 2005 to 30 June 2006 the resources necessary to ensure the integration of gender perspectives into the entire electoral process;

10. *Also requests* the Secretary-General to take all action necessary to ensure that the Mission is administered with a maximum of efficiency and economy, particularly with regard to air transport;

11. *Further requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Mission against General Service posts, commensurate with the requirements of the Mission;

Revised budget estimates for the period from 1 July 2004 to 30 June 2005

12. *Decides* to appropriate to the Special Account for the United Nations Organization Mission in the Democratic Republic of the Congo the additional amount of 245,642,900 dollars for the maintenance of the Mission for the period from 1 October 2004 to 30 June 2005, inclusive of the amount of 49,950,000 dollars previously authorized by the Advisory Committee on Administrative and Budgetary Questions under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994, taking into account the total amount of 746,072,500 dollars already appropriated and apportioned for the period from 1 July 2004 to 30 June 2005 under the provisions of its resolution 58/259 B;

Financing of the appropriation

13. *Decides* to apportion among Member States the additional amount of 163,761,932 dollars for the period from 1 October 2004 to 31 March 2005, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2004 and 2005, as set out in its resolution 58/1 B of 23 December 2003;

14. *Also decides* to apportion among Member States the additional amount of 81,880,968 dollars at a monthly rate of 27,293,656 dollars for the period from 1 April to 30 June 2005, in accordance with the scheme set out in paragraph 13 above and taking into account the scale of assessments for 2005, as set out in General Assembly resolution 58/1 B, subject to the decision of the Security Council to extend the mandate of the Mission;

15. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

16. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Mission;

17. *Invites* voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

18. *Decides* to keep under review during its fifty-ninth session the item entitled "Financing of the United Nations Organization Mission in the Democratic Republic of the Congo".

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General Assembly

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Fifty-ninth session
Fifth Committee
Agenda item 116
United Nations common system

Draft decision submitted by the Chairman following informal consultations

Strengthening of the international civil service

The General Assembly decides to consider, as a matter of priority, the question of the strengthening of the international civil service during its sixtieth session.

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Fifth Committee
Agenda item 107
Review of the efficiency of the administrative and financial functioning of the United Nations

Draft decision submitted by the Chairman

Questions deferred for future consideration

The General Assembly decides to defer for future consideration the following agenda items and related documents:

Item 108
Programme budget for the biennium 2004-2005

(a) Second annual report of the Secretary-General on the implementation of the capital master plan (A/59/441);

(b) Report of the Secretary-General on the plans for three additional conference rooms and viable solutions for allowing natural light into the rooms (A/58/556);

(c) Report of the Secretary-General on viable options for ensuring sufficient parking space at United Nations Headquarters (A/58/712);

(d) Report of the Secretary-General on the status of possible funding arrangements for the capital master plan (A/58/729);

(e) Report of the Secretary-General on the cooperation with the city and State of New York related to the capital master plan (A/58/779);

(f) Note by the Secretary-General transmitting the report of the Board of Auditors on the capital master plan for the biennium ended 31 December 2003 (A/59/161);

(g) Note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the United Nations capital master plan for the period from August 2003 through July 2004 (A/59/420);

(h) Report of the Advisory Committee on Administrative and Budgetary Questions on the capital master plan (A/59/556).

05-29203 (E) 310305

Item 113
Scale of assessments for the apportionment of the expenses of the United Nations

(i) Letter dated 27 December 2001 from the Secretary-General to the President of the General Assembly (A/56/767);

(j) Note by the Secretary-General on the outstanding assessed contributions of the former Yugoslavia (A/58/189);

Item 116
United Nations common system

(k) Report of the International Civil Service Commission for 2004: comments of the International Civil Service Commission on the report of the Panel on the Strengthening of the International Civil Service (A/59/30, Vol. II);

(l) Note by the Secretariat transmitting the report of the Panel on the Strengthening of the International Civil Service (A/59/153);

(m) Note by the Secretary-General on the report of the Panel on the Strengthening of the International Civil Service (A/59/399);

Item 120
Administration of justice at the United Nations

(n) Note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the management review of the appeals process at the United Nations including measures to shorten the period required for the disposal of cases and procedures and functions related to the Joint Appeals Board, the Panel of Counsel, the Administrative Law Unit and the secretariats of the Joint Appeals Board and the Joint Disciplinary Committee (A/59/408);

(o) Report of the Secretary-General on the administration of justice in the Secretariat (A/59/449);

(p) Report of the Secretary-General on the administration of justice in the Secretariat: role of the Panels on Discrimination and Other Grievances (A/59/414);

(q) Report of the Secretary-General on the administration of justice in the Secretariat: outcome of the work of the Joint Appeals Board during 2001 and 2002 (A/58/300);

(r) Report of the Secretary-General on the administration of justice in the Secretariat: outcome of the work of the Joint Appeals Board during 2002 and 2003 (A/59/70);

(s) Comprehensive report of the United Nations Administrative Tribunal on its activities (A/58/680);

(t) Letter dated 18 November 2003 from the President of the United Nations Administrative Tribunal to the Chairman of the Fifth Committee (A/C.5/58/16);

(u) Note by the Secretary-General transmitting the report of the Joint Inspection Unit entitled "Administration of justice: harmonization of the statutes of the United Nations Administrative Tribunal and the International Labour Organization Administrative Tribunal" (A/59/280 and Corr.1);

(v) Note by the Secretary-General transmitting his comments on the report of the Joint Inspection Unit entitled "Administration of justice: harmonization of the statutes of the United Nations Administrative Tribunal and the International Labour Organization Administrative Tribunal" (A/59/280/Add.1);

(w) Report of the Secretary-General on the possibility of the financial independence of the United Nations Administrative Tribunal from the Office of Legal Affairs (A/59/78);

(x) Note by the Secretary-General on compensation for officials other than Secretariat officials: members of the United Nations Administrative Tribunal (A/C.5/59/12);

(y) Report of the Secretary-General on measures to prevent discrimination on the basis of nationality, race, gender, religion or language in the United Nations (A/59/211);

(z) Interim report of the Advisory Committee on Administrative and Budgetary Questions on the administration of justice in the Secretariat (A/59/715).

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Fifth Committee
Agenda item 107
Review of the efficiency of the administrative and financial functioning of the United Nations

Draft resolution submitted by the Chairman following informal consultations

Procurement reform

The General Assembly,

Recalling its resolutions 54/14 of 29 October 1999, 55/247 of 12 April 2001 and 57/279 of 20 December 2002,

Having considered the report of the Secretary-General on procurement reform[1] the related report of the Advisory Committee on Administrative and Budgetary Questions[2] and the reports of the Office of Internal Oversight Services on the audit of safeguarding air safety standards while procuring air services for the United Nations peacekeeping missions[3] and on the audit of the functioning of the Headquarters Committee on Contracts,[4]

A
Report of the Secretary-General on procurement reform

1. *Takes note* of the report of the Secretary-General on procurement reform[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions;[2]

2. *Welcomes* the progress achieved in addressing the concerns expressed in its resolution 57/279 and the recent significant improvements made by the Secretary-General in procurement reform at Headquarters and in the field missions;

3. *Notes with appreciation* the progress achieved in the harmonization and streamlining of procurement practices;

[1] A/59/216.
[2] A/59/540, paras. 1-11.
[3] See A/59/347.
[4] See A/58/294.

05-29555 (E) 050405

4. *Calls upon* the executive heads of the funds and programmes of the United Nations to continue their efforts with a view to improving the efficiency of procurement by reducing duplication and harmonizing the procurement procedures in the United Nations system as a whole, in close cooperation with the Procurement Service of the Office of Central Support Services of the United Nations Secretariat;

5. *Requests* the Secretary-General to encourage all the organizations of the United Nations system, consistent with their respective mandates, to further improve their procurement practices, inter alia, by participating in the United Nations Global Marketplace with a view to creating one common United Nations global procurement web site;

6. *Notes* the activities of the Inter-Agency Procurement Working Group and of the Common Services Procurement Working Group on enhancing the transparency and increasing the harmonization of procurement practices, and requests the Secretary-General, in consultation with the executive heads of the United Nations funds and programmes, to continue their work in this regard;

7. *Requests* the Secretary-General to continue to simplify and streamline the registration process for vendors and to share responsibilities among the various United Nations organizations;

8. *Notes* the efforts made by the Secretary-General to increase procurement opportunities for developing countries and countries with economies in transition, and requests the Secretary-General to:

(a) Continue to simplify the vendor registration process, taking into account access to the Internet;

(b) Take further steps to sensitize the business community to procurement opportunities within the United nations system, including:

(i) The holding of additional business seminars;

(ii) Inviting the Inter-Agency Procurement Working Group to hold more meetings in developing countries;

(iii) Including the issue of "Diversity of sources of procurement" as an agenda item at the annual meetings of the Inter-Agency Procurement Working Group;

9. *Notes also* the recent introduction of the principle of best value for money in relation to procurement, and requests the Secretary-General, when applying this principle, to continue safeguarding the financial interests of the Organization, consider best practices and ensure that adequate records are kept;

10. *Requests* the Secretary-General to submit to the General Assembly an overview and general analysis of the functioning of the principle of best value for money, within the framework of his regular reporting on procurement reform;

11. *Also requests* the Secretary-General to implement measures to reduce the time line associated with invoice payment;

12. *Further requests* the Secretary-General to issue ethical guidelines without delay for those involved in the procurement process, requests that those guidelines be shared with Member States through the procurement web site, and reiterates its request to the Secretary-General for the early adoption of a code of conduct for vendors and a declaration of ethical responsibilities for all staff involved in the procurement process;

13. *Encourages* the Inter-Agency Procurement Working Group to continue its efforts to produce comprehensive and generally applicable statistics encompassing the procurement activities of all United Nations entities;

14. *Welcomes* the training programmes for United Nations procurement staff that the Procurement Service has initiated, including in the field, and requests the Secretary-General to support these programmes and to evaluate and monitor their impact;

15. *Notes* the promotion by the Procurement Service of the voluntary principles of the corporate social responsibility initiative, the Global Compact, into the United Nations procurement framework, and requests the Secretary-General, as appropriate, to report to the General Assembly for further consideration;

16. *Requests* the Secretary-General, taking into account the comments and observations of the Board of Auditors and the Office of Internal Oversight Services, to ensure that information regarding the accountability factor within the procurement reform framework is provided in the next report of the Secretary-General on procurement;

17. *Also requests* the Secretary-General to continue to ensure that consistent non-compliance and poor performance by vendors is recorded and that appropriate action is taken with respect to their inclusion on the list of vendors;

18. *Takes note* of the agreements made with major companies, and urges the Secretary-General to continue to ensure adherence to the rules and procedures governing procurement processes and to enable more active participation by all vendors;

19. *Notes* the increase in the number of ex post facto cases, and requests the Secretary-General to continue to take appropriate actions in order to minimize that practice to those cases which fully comply with the criteria of exigency;

20. *Requests* the Secretary-General, in his next report on procurement reform, to provide information on the implementation of the new delegations of authority, including mechanisms used to strengthen effective monitoring, oversight and accountability;

21. *Notes* the Secretary-General's plan to provide purchasing cards to departments and offices for the procurement of low-value items, and requests the Secretariat to develop strong internal control mechanisms that will safeguard against misuse, after consulting with the Office of Internal Oversight Services and outside organizations experienced in administering purchase card programmes.

B

Report of the Office of Internal Oversight Services on the audit of safeguarding air safety standards while procuring air services for the United Nations peacekeeping missions

1. *Takes note* of the report of the Office of Internal Oversight Services on the audit of safeguarding air safety standards while procuring air services for the United Nations peacekeeping missions;[3]

2. *Requests* the Secretary-General, as recommended in the report of the Office of Internal Oversight Services on the audit of safeguarding air safety standards while procuring air services for the United Nations peacekeeping missions, to fully document the reasons for not following up on the recovery of

liquidated damages for contracts and apply consistent methods to the collection of liquidated damages from vendors;

3. *Also requests* the Secretary-General to continue to ensure compliance with the standards and recommended practices of the International Civil Aviation Organization within the framework of the Department of Peacekeeping Operations policy regarding the chartering of civilian registered aircraft, with the objective of ensuring the highest level of air safety of the United Nations air operations;

4. *Notes with concern* the delay and difficulties experienced in recruiting and appointing aviation safety officers in some peacekeeping operations, and requests the Secretary-General to take all necessary measures to fill the vacancies expeditiously;

5. *Requests* the Secretary-General, in view of the limited number of site visits by aviation experts to operational bases of air carriers, to ensure that experts are able to conduct the necessary technical assessment of vendors;

6. *Notes with concern* that occurrences attributed to specific vendors were not included in the vendor performance reports, and requests the Secretary-General to take all necessary measures to ensure that such occurrences are reflected in the appropriate vendor performance report;

7. *Requests* the Secretary-General to ensure that the Department of Peacekeeping Operations communicates the information on vendor performance to all aviation offices involved, including the Procurement Service.

C

Report of the Office of Internal Oversight Services on the audit of the functioning of the Headquarters Committee on Contracts

1. *Takes note* of the report of the Office of Internal Oversight Services on the audit of the functioning of the Headquarters Committee on Contracts;[4]

2. *Requests* the Secretary General to review without delay options to better safeguard the independence of the Headquarters Committee on Contracts, including the option identified in recommendation 1[5] of the report of the Office of Internal Oversight Services on the audit of the functioning of the Headquarters Committee on Contracts;

3. *Also requests* the Secretary-General to examine the appropriateness of the current threshold for the Headquarters Committee on Contracts review of procurement cases with a view to improving the effectiveness and efficiency of the functioning of the Committee, taking into account the development of the delegation of authority to the field offices as described in paragraph 11 of the report of the Advisory Committee on Administrative and Budgetary Questions,[6] and to report on action taken to the General Assembly in the context of the next report of the Secretary-General on procurement.

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[5] See A/58/294, para. 29.

[6] A/59/540.

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Review of the efficiency of the administrative and financial functioning of the United Nations

Draft resolution submitted by the Chairman following informal consultations

Outsourcing practices

The General Assembly,

Recalling its resolutions 54/256 of 7 April 2000, 55/232 of 23 December 2000 and 58/276 and 58/277 of 23 December 2003,

Having considered the report of the Secretary-General on outsourcing practices[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Takes note* of the report of the Secretary-General on outsourcing practices,[1] and endorses the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions related thereto;[2]

2. *Acknowledges* that outsourcing should be used in full compliance with the four criteria set out by the General Assembly, and requests the Secretary-General to monitor the quality of activities outsourced;

3. *Requests* the Secretary-General to continue to consider outsourcing actively in accordance with the guidance and goals mentioned in paragraphs 1 to 3 of General Assembly resolution 55/232 and to ensure that programme managers satisfy all of the following criteria in their assessment of whether or not an activity of the Organization could be fully, or even partially, outsourced:

(a) Cost-effectiveness and efficiency: this is considered to be the most basic criterion; unless it can be adequately demonstrated that an activity can be done significantly more economically and, at the very least, equally efficiently, by an external party, outsourcing may not be considered;

[1] A/59/227.
[2] A/59/540, paras. 1, 12 and 13.

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(b) Safety and security: activities that could compromise the safety and security of delegations, staff and visitors may not be considered for outsourcing;

(c) Maintaining the international character of the Organization: outsourcing may be considered for activities in which the international character of the Organization is not compromised;

(d) Maintaining the integrity of procedures and processes: outsourcing may not be considered if it will result in any breach of established procedures and processes.

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Agenda items 108 and 120

Programme budget for the biennium 2004-2005

Administration of justice at the United Nations

Draft resolution submitted by the Chairman following informal consultations

Administration of justice at the United Nations

The General Assembly,

Recalling its resolutions 57/307 of 15 April 2003 and 59/266 of 23 December 2004,

Stressing that the system of justice in the United Nations as a whole should be independent, transparent, effective, efficient and fair,

Stressing also the importance of increased transparency in decision-making and increased accountability of managers for the system,

Noting that the existing system should respect the principle of due process and provide for appropriate peer review,

Noting with concern the continuing backlog of appeals in various parts of the system,

Emphasizing the necessity of informal mechanisms for early and swift resolution of disputes in the United Nations Secretariat, in particular through a direct dialogue between managers and staff,

Emphasizing also the importance for the United Nations to have an efficient and effective system of internal justice so as to ensure that individuals and the Organization are held accountable for their actions in accordance with relevant resolutions and regulations,

Welcoming the increased focus on training for all participants in the system of administration of justice,

05-29367 (E) 010405

Recognizing that a transparent, impartial and effective system of administration of justice is a necessary condition for ensuring fair and just treatment of United Nations staff and important for the success of human resources reform in the Organization,

Having considered the reports of the Secretary-General on the administration of justice in the Secretariat,[1] on the role of the Panels on Discrimination and Other Grievances,[2] on the outcome of the work of the Joint Appeals Board during 2001 and 2002[3] and on the outcome of the work of the Joint Appeals Board during 2002 and 2003,[4] the comprehensive report of the United Nations Administrative Tribunal on its activities,[5] the report of the Secretary-General on the possibility of the financial independence of the United Nations Administrative Tribunal from the Office of Legal Affairs,[6] the report of the Secretary-General on measures to prevent discrimination on the basis of nationality, race, gender, religion or language in the United Nations,[7] the note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the management review of the appeals process at the United Nations,[8] the report of the Secretary-General containing the cost implications of the recommendations of the Office of Internal Oversight Services following its management review of the appeals process,[9] the note by the Secretary-General transmitting the report of the Joint Inspection Unit on administration of justice: harmonization of the statutes of the United Nations Administrative Tribunal and the International Labour Organization Administrative Tribunal,[10] the note by the Secretary-General containing the comments of the Secretary-General on the report of the Joint Inspection Unit,[11] the note by the Secretary-General on compensation for officials other than Secretariat officials: members of the United Nations Administrative Tribunal,[12] the letter dated 18 November 2003 from the President of the United Nations Administrative Tribunal addressed to the Chairman of the Fifth Committee[13] and the interim report of the Advisory Committee on Administrative and Budgetary Questions,[14]

Regretting that the present system of administration of justice in the Secretariat continues to be slow, cumbersome and costly,

Regretting also that the related reports were not introduced at its fifty-eighth session, as requested in its resolution 57/307, in addition to being submitted and issued late at its fifty-ninth session,

1. *Notes* the importance of having a strong administration of justice mechanism that avoids duplication and overlap within the formal processes;

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[1] A/59/449.
[2] A/59/414.
[3] A/58/300.
[4] A/59/70.
[5] A/58/680.
[6] A/59/78.
[7] A/59/211.
[8] A/59/408.
[9] A/59/706.
[10] A/59/280 and Corr.1.
[11] A/59/280/Add.1.
[12] A/C.5/59/12.
[13] A/C.5/58/16.
[14] A/59/715.

2. *Regrets* the continued serious delays in the appeals process, and stresses the need to implement measures to improve the appeals process to make it more efficient;

I

Cross-cutting issues — general guidelines

3. *Takes note* of the reports of the Secretary-General;[1,2,3,4,6,7,9]

4. *Takes note with interest* of the report of the Office of Internal Oversight Services on the management review of the appeals process at the United Nations;[15]

5. *Endorses* the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions set out in its report,[14] subject to the provisions of the present resolution;

6. *Stresses* that the administrative law framework of the Organization should allow all levels of United Nations staff to obtain due process, regardless of their location, grade or contractual arrangement;

7. *Appreciates* the efforts made by staff volunteering their services in the system of justice of the United Nations, and stresses the need to provide them with further training;

8. *Takes note with interest* of the option described in paragraph 30 of the report of the Secretary-General,[1] and requests the Secretary-General to explore the implications of this option and report thereon in the context of his annual report on the administration of justice in the Secretariat;

9. *Affirms* that the functions of staff members selected to serve under the new system are official in nature, and requests the Secretary-General to ensure that those staff members are given sufficient time off from their substantive responsibilities to perform their functions;

10. *Recognizes* that the administration of justice system, being heavily dependent on volunteers, requires frequent and comprehensive training of participants, and calls on the Secretary-General to organize periodic training at each of the headquarters duty stations for all staff involved in the system of administration of justice;

11. *Stresses* the importance of the proper implementation of a sound performance appraisal system as a potential means of avoiding conflict;

12. *Also stresses* the need to provide training in managerial skills to improve managers' conflict resolution skills;

13. *Further stresses* the need to link managers' ability to respond in the course of a proceeding with their own individual performance appraisal;

14. *Notes* that staff rule 112.3, relating to the financial liability of managers, has yet to be implemented, further notes the issuance of Secretary-General's bulletin ST/SGB/2004/14, and requests the Secretary-General to report on its implementation to the General Assembly at its sixty-first session;

[15] See A/59/408.

15. *Requests* the Secretary-General to expeditiously implement the recommendations of the Office of Internal Oversight Services, subject to the provisions of the present resolution;

16. *Decides* that the time limits recommended by the Office of Internal Oversight Services will be mandatory within the appeals process once adequate capacity is in place, and no later than 1 January 2006;

17. *Also decides* that measures should be taken to eliminate the appearance of conflict of interest, and towards this end requests the Secretary-General to proceed with the transfer of the responsibility for formulating decisions on appeals from the Department of Management to the Office of the Secretary-General;

II
The informal mechanism of administration of justice

Ombudsman

18. *Stresses* the importance of the Office of the Ombudsman as the primary means of informal dispute resolution, and reaffirms General Assembly resolution 56/253 of 24 December 2001 on the establishment of the Office;

19. *Requests* that the Office of the Ombudsman continue and expand its outreach activities, in particular to local, national and General Service staff, in order to facilitate equal access and awareness-raising, bearing in mind the structure, activities and operational environment of the Organization;

20. *Requests* the Secretary-General to submit proposals for strengthening the office of the Ombudsman through improved access to it for staff serving in different locations;

21. *Invites* the Office of the Ombudsman to reduce all possible delays in responding to the requests of staff, in order to ensure that staff are encouraged to seek resolution of conflict in an informal way;

22. *Requests* the Secretary-General to submit, in the context of his annual report on the administration of justice in the Secretariat, information on the activities of the Ombudsman, including general statistical information and information on trends and comments on policies, procedures and practices that have come to the attention of the Ombudsman;

III
The formal mechanisms of administration of justice

Panel of Counsel

23. *Takes note* of the role of the Coordinator of the Panel of Counsel in preliminary consultations before initiating the formal appeals process, to support an informal resolution at an early stage;

24. *Stresses* the role of staff representatives in advising and assisting staff in addressing issues informally and formally;

25. *Recognizes* the need to strengthen the capacities of the Panels of Counsel by increasing the opportunity for training on the United Nations Staff Rules and

Regulations, policies, procedures or precedents for staff serving on the Panels, in view of the urgent need to strengthen legal advice and administrative support for staff members submitting an appeal;

26. *Invites* staff representatives to explore the possibility of establishing a staff-funded scheme in the Organization that provides legal advice and support to the staff, staff representatives may consult with the Secretary-General as they deem appropriate;

27. *Invites* the Secretary-General to consider appropriate incentives to be built into the system to encourage staff members to serve on the Panels;

28. *Encourages* the Panel of Counsel to increase outreach activities, and requests the Secretary-General to consider the inclusion of travel costs in section 29 A of the proposed programme budget for the biennium 2006-2007 for this purpose;

Administrative Law Unit

29. *Takes note* that the Administrative Law Unit has the multiple functions of administrative review, appeals, disciplinary matters and advisory services;

30. *Requests* the Secretary-General to present proposals to separate the above-mentioned functions in order to avoid conflict of interest, through the redeployment of resources, and to report thereon by the end of the fifty-ninth session, taking into account the following needs:

(a) To ensure the necessary means to collect evidence;

(b) To advise both the appellant and the respondent;

(c) To ensure the uniform application of administrative decisions;

(d) To ensure appropriate consultation with the Office of Human Resources Management and legal experts;

(e) To relay all necessary information to the Office of Human Resources Management;

31. *Stresses* that increased accountability by managers would contribute to the elimination of the backlog of appeals cases, as stated in the report of the Secretary-General,[16] and decides that as a means to facilitate early consideration of cases, the following procedures should be adopted:

(a) Staff members wishing to appeal an administrative decision should send a copy of their request to the executive head of their department;

(b) The Administrative Law Unit should clarify with managers the requirements for the respondent's reply and the contributions, including time limits expected from managers;

32. *Requests* the Secretary-General to ensure that written explanations by managers to the Administrative Law Unit are submitted within eight weeks with no possibility of extension, and decides that compliance with this responsibility shall constitute part of the performance appraisal of managers;

[16] A/59/449, para. 27.

33. *Decides* to amend staff rule 111.2 (a) to provide that staff wishing to appeal an administrative decision shall submit to the executive head of their department, office, fund or programme a copy of the letter to the Secretary-General requesting a review of the case;

Joint Appeals Board

34. *Stresses* the particular importance of providing adequate training to the members of the Joint Appeals Board;

United Nations Administrative Tribunal

35. *Recalls* paragraph 5 of resolution 57/307, and regrets that the necessary steps to separate the secretariat of the United Nations Administrative Tribunal from the Office of Legal Affairs were not undertaken;

36. *Endorses* the proposal of the Secretary-General to transfer the resources of the United Nations Administrative Tribunal from section 8, Office of Legal Affairs, to section 1, Overall policy-making, direction and coordination, effective from the beginning of the biennium 2006-2007;

37. *Reaffirms* paragraph 5 of its resolution 57/307, and requests the Secretary-General to guarantee the immediate independence of the United Nations Administrative Tribunal, including through ensuring administrative and logistical services that are exclusive to the secretariat of the United Nations Administrative Tribunal;

38. *Recalls* the recent amendment to the statute of the United Nations Administrative Tribunal, which provides that members shall possess judicial or other relevant legal experience in the field of administrative law or its equivalent within the member's national jurisdiction;

39. *Acknowledges* the need for the further strengthening of professionalism in the United Nations Administrative Tribunal by increasing membership by professional judges;

40. *Decides* to amend article 3, paragraph 1, of the statute of the Tribunal, with effect from 1 January 2006, to read:

> "The Tribunal shall be composed of seven members, no two of whom may be nationals of the same State. Members shall possess judicial experience in the field of administrative law or its equivalent within their national jurisdiction. Only three members shall sit in any particular case";

41. *Also decides* that the amendment to article 3 will be applied to the election of new members of the Tribunal with effect from 1 January 2006;

42. *Requests* the Secretary-General to submit proposals on compensation for the members of the United Nations Administrative Tribunal once all its members meet the criteria set out in article 3 of the statute as amended in the present resolution;

43. *Notes* that the vast majority of appeals against administrative decisions concern termination of employment or non-renewal of employment contracts, and decides, with reference to recommendation 5 of the Office of Internal Oversight

Services,[17] to revert to the question of amendment of article 7 of the statute of the United Nations Administrative Tribunal following receipt of the report of the panel as described in section IV of the present resolution;

44. *Also notes* the report of the Joint Inspection Unit on administration of justice;[18]

45. *Stresses* the importance of the eventual harmonization of the statutes of the United Nations Administrative Tribunal and the International Labour Organization Administrative Tribunal;

46. *Requests* the United Nations Administrative Tribunal to review the rules, practices and procedures of similar tribunals with a view towards enhanced effective management of caseloads;

IV

Review of the internal justice system

47. *Decides* that the Secretary-General shall form a panel of external and independent experts to consider redesigning the administration of justice system;

48. *Also decides* that the panel shall be composed of a pre-eminent judge or former judge with administrative law experience; an expert on alternative dispute resolution methods; a leading legal academic in international law; a person with senior management and administrative experience in an international organization; and a person with United Nations field experience;

49. *Further decides* that the terms of reference of the redesign panel shall be as follows:

(a) The redesign panel shall propose a model for a new system for resolving staff grievances in the United Nations that is independent, transparent, effective, efficient and adequately resourced and ensures managerial accountability; the model should involve guiding principles and procedures that clearly articulate the participation of staff and management within reasonable time frames and time limits;

(b) The redesign panel shall:

(i) Consider the relevant resolutions of the General Assembly;

(ii) Receive and review information from all the relevant stakeholders regarding existing mechanisms for the administration of justice in the Organization;

(iii) Consult with United Nations staff, including individual staff members, the Staff Union and managers, in order to form an opinion as to how and why some aspects of the system function effectively while other aspects do not;

(c) The redesign panel shall, in particular:

(i) Consider alternative systems for resolving staff grievances, by considering other models of organizational dispute resolution, while acknowledging the uniqueness of the United Nations system, in particular the

[17] See A/59/408, para. 65.

[18] See A/59/280 and Corr.1.

immunity of United Nations staff from national laws and thus the lack of recourse to national courts;

(ii) In proposing a model, consider the value of creating an effective system for handling staff complaints that involves alternative forms of dispute resolution by which cases can be settled by mutual consent, such as mediation, conciliation, arbitration and/or an ombudsperson;

(iii) Consider the peer review;

(iv) Identify proactive measures such as education and training, that the United Nations can implement to minimize the number of disputes that arise;

(v) Examine the functioning of the Office of the Ombudsman and, if needed, present models to provide services tailored to responding to the needs of the Organization;

(vi) Examine and develop the criteria to be used in the categorization of cases;

(vii) Review the functioning of the United Nations Administrative Tribunal and examine the further harmonization of the statutes of the International Labour Organization Administrative Tribunal and of the United Nations Administrative Tribunal, with a view to professionalizing the United Nations Administrative Tribunal further;

(viii) Examine the possibility of an integrated judicial system with a two-layer structure of first and second instance, taking into account existing structures;

(ix) Examine the legal representation of the Secretary-General in the administration of justice system;

50. *Decides* that the panel shall start its function no later than 1 February 2006 and present its findings and recommendations by the end of July 2006;

51. *Requests* the Secretary-General to transmit the report and recommendations of the panel to the General Assembly as a matter of priority;

52. *Also requests* the Secretary-General to submit his comments on the recommendations of the panel's report, along with the estimate of time and resources needed for their implementation, to the General Assembly at the first part of its resumed sixty-first session.

United Nations A/C.5/59/L.47

General Assembly

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Fifty-ninth session
Fifth Committee
Agenda items 108 and 114

Programme budget for the biennium 2004-2005

Human resources management

Draft decision submitted by the Chairman

Recruitment

The General Assembly

(a) Decides, in view of the fact that printed copies of vacancy announcements were not distributed to delegations as required by paragraph 5 of section II of General Assembly resolution 59/266 of 23 December 2004 with respect to the establishment, in accordance with section XI of resolution 59/276 of 23 December 2004, of the Department of Safety and Security, that the D-2 post of Deputy to the Under-Secretary-General, the D-2 post of Director of the Division of Regional Operations, the D-2 post of Director of the Division of Safety and Security Services, and the D-1 post of Executive Officer should, on an exceptional basis, be re-advertised for thirty days, while the process continues with respect to recruitment actions already under way;

(b) Also decides that in respect of the fourteen P-3 to P-5 posts in the Department of Safety and Security for which vacancy announcements were issued between 3 and 31 March 2005 in Galaxy but not distributed in printed form, the deadline for receipt of applications shall be extended by fifteen days, on an exceptional basis;

(c) Requests the Secretary-General to comply fully with the provisions of paragraph 5 of section II of resolution 59/266.

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Financing of the United Nations Mission in the Sudan

Draft resolution submitted by the Chairman following informal consultations

Financing of the United Nations Mission in the Sudan

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission in the Sudan[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling Security Council resolution 1590 (2005) of 24 March 2005, by which the Council established the United Nations Mission in the Sudan for an initial period of six months from 24 March 2005,

Recognizing that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in its resolutions 1874 (S-IV) of 27 June 1963, 3101 (XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolution of the Security Council,

1. *Expresses concern* about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

2. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

[1] A/59/756 and Corr.1 and 2.
[2] A/59/768.

05-30725 (E) 140405

3. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

4. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

5. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Mission;

6. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee,[2] and requests the Secretary-General to ensure their full implementation;

7. *Notes* that the General Assembly has never pronounced itself on the use of assessed peacekeeping contributions for the purposes stated in paragraph 15 of the report of the Advisory Committee,[2] and decides to revert to this issue in the context of its consideration of item 123 entitled "Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations" during the second part of its resumed fifty-ninth session in light of the additional information to be provided thereon by the Secretary-General;

8. *Requests* the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

9. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Mission against General Service posts, commensurate with the requirements of the Mission;

Budget estimates for the period from 1 July 2004 to 31 October 2005

10. *Authorizes* the Secretary-General to establish a special account for the United Nations Mission in the Sudan for the purpose of accounting for the income received and expenditure incurred in respect of the Mission;

11. *Also authorizes* the Secretary-General to enter into commitments for the Mission for the period from 1 July 2004 to 31 October 2005, in a total amount not exceeding 595,498,500 United States dollars for the initial establishment of the Mission, comprising the amount of 279,501,300 dollars, inclusive of the amount of 99,999,400 dollars previously authorized by the Advisory Committee, for the period from 1 July 2004 to 30 June 2005 and the amount of 315,997,200 dollars for the period from 1 July to 31 October 2005, under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994;

Financing of the commitment authority

12. *Decides* to apportion among Member States the total amount of 497,873,300 dollars for the period from 1 July 2004 to 23 September 2005, comprising the amount of 279,501,300 dollars for the period from 1 July 2004 to 30 June 2005 and the amount of 218,372,000 dollars for the period from 1 July to 23 September 2005, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of

23 December 2000 and updated in its resolution 58/256 of 23 December 2003, taking into account the scale of assessments for 2004 and 2005, as set out in its resolution 58/1 B of 23 December 2003;

13. *Decides also* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of 1,635,000 dollars, representing the estimated staff assessment income approved for the Mission for the period from 1 July 2004 to 30 June 2005, and 2,042,500 dollars, representing the estimated staff assessment income approved for the Mission for the period from 1 July to 23 September 2005;

14. *Decides further* to apportion among Member States the amount of 97,625,200 dollars for the period from 24 September to 31 October 2005, at a monthly rate of 78,999,300 dollars, in accordance with the scheme set out in paragraph 12 above, taking into account the scale of assessments for 2005, as set out in its resolution 58/1 B, subject to a decision of the Security Council to extend the mandate of the Mission;

15. *Decides* that, in accordance with the provisions of its resolution 973 (X), there shall be set off against the apportionment among Member States, as provided for in paragraph 14 above, their respective share in the Tax Equalization Fund of 913,100 dollars, representing the estimated staff assessment income approved for the Mission for the period from 24 September to 31 October 2005;

16. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

17. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Mission;

18. *Invites* voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

19. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Financing of the United Nations Mission in the Sudan".